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TAGS: [KJUS](#) [PGOV](#) [PREL](#) [PTER](#) [CO](#)
SUBJECT: GOC CONSIDERING CHANGES IN REPARATIONS IN JUSTICE
AND PEACE PROCESS

Classified By: Political Counselor John S. Creamer.
Reason: 1.4 (b,d)

Summary

¶1. (SBU) The GOC announced October 23 it is considering a proposal by the National Commission of Reparations and Reconciliation (CNRR) to change the reparations process from the current judicial procedure--which has proved extremely slow in identifying victims and assets--to an administrative process. The CNRR proposal calls for administrative processing of victims and GOC funding of reparations. Human rights groups do not oppose the change, but fear it may undercut efforts to dismantle paramilitary structures. The GOC is also considering steps to expedite the Justice and Peace law (JPL) process, including fixing a deadline for former paramilitaries to testify and hearing voluntary confessions (versiones libres) in "bloques" (jointly with paramilitary leaders and rank and file). End summary.

Faster Process for Reparations

¶2. (U) The GOC announced October 23 it would explore a proposal by the CNRR to change the reparations process for victims from the current judicial procedure to an administrative process. The proposal would provide individual compensation through the national budget instead of the JPL reparations fund. All victims, regardless of the degree of injury or whether the perpetrators were FARC or paramilitaries, would receive the same compensation (a still undetermined amount). Meanwhile, the GOC will continue collecting seized assets and property of former paramilitaries. A 2005 study by think tank CERAC (Centro de Recursos para el Analisis de Conflictos) estimated that reparations for all victims--paramilitary, FARC, ELN, and other groups since 1964--could cost the GOC between 19% and 33% of its budget. The study bases its estimates on amounts awarded for damages by the Inter-American Court on Human Rights.

¶3. (U) The current JPL reparation process requires demobilized to confess their crimes through versiones libres and submit their assets to the Prosecutor General's office

(Fiscalia.) The Fiscalía investigates the statements and presents them to the JPL magistrates. The reparations process is moving very slowly due to: 1) incomplete versiones libres, 2) victims' low education levels and lack of legal resources, 3) the inability of 95% of victims to identify their perpetrators, 4) the length of time required for investigations, 5) continued threats to victims who have come forward, and 6) the difficulties in defining victims' eligibility. CNRR President Eduardo Pizarro told us that at the current rate, it would take two to three years for the first victim to receive reparations and about fifteen years to process compensation for the over 82,000 victims who have come forward to date.

¶4. (U) Pizarro underscored the relative success of Colombia's peace process, pointing to the confession of over 3000 crimes, discovery of hundreds of mass graves, the arrest of 40 congressmen, but said the reparations process has been a failure. He said an administrative procedure would be the most effective, rapid way to provide adequate reparations to the large number of victims involved. The CNRR has studied reparation policies implemented in Chile, Peru and Guatemala. Each country's program is different, with some providing victims cash payments and others giving them preferential access to health, education and employment benefits. The CNRR continues to review what would be the appropriate mix for Colombia.

¶5. (U) Pizarro said that in addition to the CNRR, the Inter-American Commission on Human Rights and GOC Peace Commissioner Luis Carlos Restrepo support an administrative approach. Restrepo said the proposal would prevent each victim from having to individually go through the legal process. At a CNRR meeting on October 23, Justice Vice

Minister Guillermo Reyes confirmed the GOC is studying an administrative reparations process, but noted that adoption of such a measure would require further consultation with victims groups, the judiciary, Treasury, Inspector General's Office (Procuraduria), Fiscalía and international organizations.

Human Rights Groups Voice Doubts

¶6. (C) National Victims Movement leader Ivan Cepeda said his group, which has questioned the CNRR's legitimacy in the past, would not discourage victims from seeking compensation through an administrative process if the GOC opted for such a mechanism. Still, he voiced concern that a GOC-financed administrative approach would relieve the pressure to confiscate paramilitary assets and dismantle paramilitary structures. Moreover, many human rights groups believe an individual reparations program would undercut popular political support for collective or political reparations (i.e. grant of media access to unions or other injured groups, training or material support for social groups, etc).

Expediting Versiones Libres Process

¶7. (U) The GOC is also considering proposals to accelerate the JPL process. These include fixing a deadline of six months for demobilized leaders to appear before the Fiscalía for their versiones libres or risk losing their JPL rights. A Justice and Peace prosecutor suggested October 24 that paramilitary leader Ivan R. Duque (aka Ernesto Baez) be removed from the JPL process and charged under normal criminal law if he continued to refuse confessing his crimes in his versiones libres. The GOC is also reviewing the possibility of holding versiones libres in paramilitary "bloques" (combining leaders and rank and file members) to speed up the process.
Brownfield